

REMARKS

I. Status of the Claims

Claims 1-75 are pending in the application prior to entry of the amendments above. Claims 3, 5, 62, 63, 67-69 and 71 are allowed. Claims 2, 4, 6, 7 and 56-59 have been found allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 1, 8-14, 16-33, 35-55, 60, 61, 64-66, 70, 72, 74 and 75 are rejected.

II. Claims 2, 4, 6, 7 and 56-59 Are Found Allowable

Applicants appreciate the Examiner's indication that claims 2, 4, 6, 7 and 56-59 are allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

In the amendments above, claim 2 has been rewritten in independent form incorporating all the elements of claim 1. This amendment does not change the scope or content of claim 2. Likewise, claims 4, 6 and 7 each depends directly or indirectly from claim 2 and is in condition for allowance.

Applicants have rewritten each of claims 56, 57 and 59 in independent form to include of base claim 54 and any intervening claims. No change in scope or content to claims 56, 57 or 59 results from these amendments. Accordingly, each of the subject claims should now be allowed.

III. Cancellation of Claims Without Prejudice or Disclaimer

In the amendments above, Applicants have cancelled claims 1, 5, 8-55, 60, 61, 64-66, 70 and 72-75 without disclaimer or prejudice to Applicants' right to pursue the subject matter of those claims in one or more continuing applications or reissues.

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IV. Presentation of Allowable Claims

In the amendments above, Applicants have presented new claims 76-146. The Examiner acknowledged that the specification is enabling for inorganic hydrogel(s), aerogel(s) and lyogel(s). Accordingly, new claims 76-146 each recites inorganic hydrogel(s), aerogel(s) or lyogel(s). Support for the new claims is found throughout the specification and claims as originally filed. So, e.g., the first new claim added above, independent claim 76 recites introducing an inorganic hydrogel in step a). Thus, no new issue is presented by the new claims and they are in condition for allowance.

In new claims 107 and 119 R is defined in accordance with the definition given in the specification, e.g., in the paragraph bridging from page 14 and page 15, and as presented in other claims, such as claim 129 and (canceled) claim 65. Accordingly, no new issue is presented and each is allowable.

Also, claims 125 and 136-144 each is dependent from one of the new independent claims and recites that the inorganic hydrogel is a silicatic hydrogel. New claim 125 depends from claim 2 and recites that "the silicatic hydrogel comprises zirconium, aluminum, titanium, vanadium and/or iron compounds." Support for new claim 125 may be found throughout the specification and claims as originally filed, for example, at page 7, lines 10-12. Claim 2 was found allowable by the Examiner and claim 125 is allowable by dependency from claim 2. Accordingly, no new issue is presented and each is allowable.

In view of the foregoing amendments and the following remarks, Applicants request reconsideration of the claim rejections and allowance of the application.

V. Claim 5 is Patentable Under The Judicially Created Doctrine of Obviousness Type Double Patenting

Claim 5 is rejected under the judicially created doctrine of obviousness type double patenting over commonly owned U.S. Patent No. 6,475,561. The rejection is traversed for the reasons presented in Applicants' response to the previous Office Action and is now moot in view of the amendments above.

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Claim 5 has been cancelled in the amendments above without disclaimer or prejudice to Applicants' right to pursue the subject matter of that claim in one or more continuing applications or reissues. After entry of the amendments, this rejection is moot.

VI. Each of Claims 1, 8-14, 16-33, 35-55, 60, 61, 64-66, 70, 72, 74 and 75 Meets the Requirements of Section 112, First Paragraph

Claims 1, 8-14, 16-33, 35-55, 60, 61, 64-66, 70, 72, 74 and 75 stand rejected under Sec. 112, first paragraph. The Examiner acknowledges that the specification is enabling for inorganic hydrogels, but argues otherwise with respect to organic hydrogels. The rejection is respectfully traversed for the reasons presented in Applicants' response to the previous Office Action and in view of the amendments above.

Each of claims 1, 8-14, 16-33, 35-55, 60, 61, 64-66, 70, 72, 74 and 75 has been cancelled in the amendments above without disclaimer or prejudice to Applicants' right to pursue the subject matter of those claims in one or more continuing applications or reissues. Accordingly, the rejection of claims 1, 8-14, 16-33, 35-55, 60, 61, 64-66, 70, 72, 74 and 75 is now moot.

VI. Conclusion

In view of the amendments and remarks above, all claims pending in the application are in condition for allowance, and Applicants respectfully request a Notice of Allowance.

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Respectfully submitted,
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